

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT
(PCT Article 36 and Rule 70)

REC'D 02 MAR 2005



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Applicant's or agent's file reference 37464/GM/p	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/EP 03/04214	International filing date (day/month/year) 23.04.2003	Priority date (day/month/year) 31.10.2002
International Patent Classification (IPC) or both national classification and IPC B29C31/04		
Applicant SACMI COOPERATIVA MECCANICI IMOLA S.C.R.L.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 7 sheets, including this cover sheet.
- ☒ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).
- These annexes consist of a total of 6 sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the opinion
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 28.05.2004	Date of completion of this report 03.03.2005
Name and mailing address of the international preliminary examining authority:  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016	Authorized Officer Fageot, P Telephone No. +31 70 340-2092 

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/EP 03/04214

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-10 as originally filed

Claims, Numbers

1-23 received on 11.02.2005 with letter of 11.02.2005

Drawings, Sheets

1/9-9/9 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
☐ the language of publication of the international application (under Rule 48.3(b)).
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority in written form.
☐ furnished subsequently to this Authority in computer readable form.
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
☐ the claims, Nos.:
☐ the drawings, sheets:

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. **PCT/EP 03/04214**

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-22
	No: Claims	23
Inventive step (IS)	Yes: Claims	1-22
	No: Claims	23
Industrial applicability (IA)	Yes: Claims	1-23
	No: Claims	

2. Citations and explanations

see separate sheet

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/EP 03/04214

Re Item V

**Reasoned statement with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement**

1. Reference is made to the following documents:

D1: EP-A-0 331 485

D2: US-A-5 811 044

D3: EP-A-1 101 586

2. In respect of Article 6 PCT, the following is observed.

2.1 Claims 1 and 22 have been drafted as separate independent claims of the apparatus category. Under further reference to the PCT-Guidelines 5.15 and 5.42, it can not be deducted from these independently drafted claims which features are essential for the definition of the area for which protection is sought. The aforementioned claims therefore lack conciseness.

2.2 Some of the features in the product claim 23 relate to a method of producing the product rather than clearly defining the product in terms of its technical features (*...exiting from an extruder..., ...after being removed from said extruder...*). The intended limitations are therefore not clear from this claim.

2.3 The term "uniform" used in claim 23 is vague and unclear and leaves the reader in doubt as to the meaning of the technical feature to which it refers, thereby rendering the definition of the subject-matter of said claim unclear.

2.4 The description should be adapted to the new claims 1, 2, 3 and 22 in order to meet Article 6 PCT.

2.5 The embodiments of the invention described on page 6, lines 16, 17 do not fall within the scope of the claims. This inconsistency between the claims and the description leads to doubt concerning the matter for which protection is sought, thereby rendering the claims unclear, Article 6 PCT.

Removal of the inconsistency by deleting the "excess" subject-matter from the

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/EP 03/04214

description, cf. the PCT Guidelines, 5.30, appears to be possible.

3. The following statements are made under reference to paragraph V.2 of this international preliminary examination report.

3.1 Independent claim 1

The document D1 discloses (the references in parentheses applying to this document): a device for removing doses of plastic material from an extruder (*col. 1, lines 3-24*), by way of at least one removal element which is movable with respect to said extruder and is provided with a receptacle for receiving a dose removed from the outflow orifice of said extruder (*col. 3, lines 6-13*), said removal element comprising a severing element that is adapted to cut into the plastic material dispensed by said extruder along a severing edge that advances through the material from one side of said orifice to the other (*col. 3, lines 6-13*), said receptacle being shaped so as to accommodate said dose and allow expulsion thereof substantially in the direction of said severing edge (*col. 3, lines 11-22*).

The subject-matter of claim 1 differs from this device known from D1 in that said severing edge is more advanced than said receptacle in the intended direction of movement of said severing element.

The subject-matter of claim 1 is therefore new (Article 33(2) PCT).

The problem underlying claim 1 may be regarded as reducing plastic memory in the material (description, page 1, lines 21-24).

The solution to this problem proposed in claim 1 of the present application is neither known nor is it suggested from the cited prior art documents. Consequently the subject-matter of claim 1 meets the requirement of Article 33(3) PCT.

3.2 Independent claim 22

The document D1 discloses (the references in parentheses applying to this

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/EP 03/04214

document): a device for removing doses of plastic material from an extruder (*col. 1, lines 3-24*), by way of at least one removal element which is movable with respect to said extruder and is provided with a receptacle for receiving a dose removed from the outflow orifice of said extruder (*col. 3, lines 6-13*), said removal element comprising a severing element that is adapted to cut into the plastic material dispensed by said extruder along a severing edge that advances through the material from one side of said orifice to the other (*col. 3, lines 6-13*), said removal element being provided with an inlet passageway which is partially bound by said severing edge and through which said dose is receivable into said receptacle (*col. 3, lines 11-45*).

The subject-matter of claim **22** differs from this known D1 in that said removal element is further provided with an outlet passageway transversely oriented with respect to said severing edge and through which said dose may be expelled from said receptacle.

The subject-matter of claim **22** is therefore new (Article 33(2) PCT).

At present the examining instance can not identify an objective problem underlying claim **22**. The solution consists in further provisional additional technical features without solving an objective problem.

Consequently the subject-matter of claim **22** does not meet the requirement of Article 33(3) PCT.

3.3 Independent claim **23**

The document D1 discloses (the references in parentheses applying to this document): a dose of plastic material for compression moulding an object (*col. 1, lines 8-18*) and exiting from an extruder (*col. 3, lines 1-5*) which, after being removed from said extruder, has physical features uniform throughout its thickness (*col. 2, lines 4-10*).

The subject-matter of claim **23** is therefore not new (Article 33(2) PCT).

4. Dependent claims **2 - 21**

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/EP 03/04214

Claims 2 - 21 are dependent on claim 1 and as such also meet the requirements of the PCT with respect to novelty and inventive step.

5. The subject-matter of claims 1 to 23 is considered as susceptible of industrial application (Article 33(4) PCT).
6. The following is to be noted too.
 - 6.1 Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the documents D1, D2 and D3 is not mentioned in the description, nor are these documents identified therein.
 - 6.2 Cited document US-A-5807598 (description page 6, line 15) is not related to a device for removing doses of plastic material and should apparently be replaced by document US-A-5807592 cited on page 1, line 10 of the description.